

Exhibit A

DENISE ROSE
DIPIPPO vs COUNTY OF PUTNAM

December 13, 2018

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 17-cv-7948-NSR-JCM

ANTHONY DIPIPPO,

Plaintiff,

v.

COUNTY OF PUTNAM, ET AL.,

Defendants.

VIDEOTAPED

DEPOSITION OF: DENISE ROSE

DATE: DECEMBER 13, 2018

TIME: 9:22 A.M. - 5:11 P.M.

TAKEN BY: PLAINTIFF

PLACE: ESQUIRE DEPOSITION SOLUTIONS
200 EAST ROBINSON STREET, SUITE 725
ORLANDO, FLORIDA 32801

REPORTED BY: DAYNA JONES, FPR, NOTARY PUBLIC,
STATE OF FLORIDA

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1 Q. -- line 5.

2 "Question: And after this incident" -- this
3 is -- so this is from Exhibit -- I'm sorry.

4 Plaintiff's Exhibit -- is this 5 or 4?
5 Plaintiff's 4 is from the Krivak trial in '97, okay?

6 A. Yes.

7 Q. Still trying to tell the truth, right?

8 A. Yeah.

9 Q. All right. Line 5, "And after this incident
10 on October 3rd, 1994, how much time went by before you
11 saw Anthony DiPippo again?"

12 "Answer: About three or four months."
13 You've already told us that's a lie, right?

14 A. January? Wait.

15 Q. You've already told us that was a lie,
16 correct? You saw him every day between then?

17 A. January or March, I saw him.

18 Q. All right. "And after three or four months,
19 what happened at that time, did you again remain
20 friendly with him?"

21 And it says, "Yes."

22 And then the question, line 11. Let me know
23 when you're on line 11.

24 A. Yeah.

25 Q. "Okay. And did there come a time after

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1 October 3rd, 1994 when you had any sexual relations with
2 Anthony DiPippo?"

3 "Answer: Yes."

4 "Question: Was that consensual?"

5 "Answer: Yes."

6 "Question: And when was that?"

7 "Answer: It was -- I believe that it was
8 January of '95 or '96. I'm sorry."

9 "Question: And what were your feelings toward
10 him at that time?"

11 "Answer: I felt that I had to do that to stay
12 alive."

13 Do you see that?

14 A. Yeah.

15 Q. And that's -- that's the exact opposite of
16 what you just told us, correct?

17 A. Right.

18 Q. So which one is a lie?

19 A. None.

20 Q. They're both true?

21 A. They're both true.

22 Q. Okay. It's the exact opposite of what you
23 just said under oath, but it's both -- but they're both
24 true?

25 A. Yeah.

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1 around her mouth, neck area and twisted it tight."

2 So here, under oath, you're stating that first
3 he tied the rope and then he put the bra in her mouth,
4 correct?

5 A. That's what it says.

6 Q. Okay. And that's the exact opposite of what
7 you just told us, correct?

8 A. That's what I said.

9 Q. And you told us that you remembered it like it
10 was yesterday, you got mad at me for suggesting you
11 could be wrong, correct?

12 A. Right.

13 Q. And the reason that you have it mixed up here
14 as -- when you testified just now is because it never
15 happened and you're just making it up, right? Which one
16 is true? Was it the rope first or was it the -- in
17 this -- this vivid memory that caused you PTSD, what
18 happened first? Was it as you testified under oath
19 in -- in the -- in this case, in 1997 or was it what you
20 just testified happened here today? Did the rope go
21 first or did the bra go first?

22 A. If you call me a liar one more time, I'm going
23 to punch you in the face.

24 Q. Did the rope go first or did the --

25 A. The rope went first. Maybe I'll turn my

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1 hearing aid up and I will punch you in your face. Don't
2 put it past me. All you're trying to do is defame my
3 character, so your asshole murderer wins.

4 Q. You've just threatened me to assault me. Are
5 you -- is that -- is that a serious threat?

6 A. No. You're -- you're threatening my
7 character. Is that a threat?

8 Q. All right. Which one is true -- did you
9 tie -- which one is true, is it that the rope is tied
10 first or the bra is tied first?

11 A. Well, if someone is getting raped and their
12 hands are swinging, what do you think would happen?

13 Q. So which one is true?

14 A. The rope.

15 Q. Okay. So can you explain why you testified
16 here, clearly under oath, that first -- why you
17 testified here, clearly under oath, that first it was
18 the bra in the mouth and then the rope? What made you
19 remember the truth?

20 A. Reading it. I don't have testimony at home
21 like you.

22 Q. Okay.

23 A. I don't have a refresher.

24 Q. But it's seared in your mind, right?

25 A. Yeah.

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1 Q. All right.

2 A. Are you going to keep threatening me with the,
3 you know, U.S. Marshal and another court order? That's
4 a threat.

5 Q. Careful about threatening me with assault
6 because I -- I will take all necessary action, if you --

7 A. And I'll take necessary action next time you
8 threaten me with a court order.

9 Q. Okay.

10 A. I have people in higher places, too, just so
11 you know.

12 Q. What people do you have in higher places?

13 A. None of your business.

14 Q. All right.

15 A. I know a lot of people.

16 Q. All right. Now, one of the things that you
17 noticed very clearly was the scrunchie in Ms. Wright's
18 hair, right?

19 A. Let me guess, that's a lie too. That's a lie
20 too. That her mother had to bury her skull with her
21 frickin' scrunchie on her head, that's a lie.

22 Q. Well, you would agree, though, that one of the
23 things that happened during the rape was the scrunchie
24 fell out of her hair, correct?

25 A. I know, because the hunter found her scrunchie

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1 and go this way? I didn't know what to do --

2 Q. Okay.

3 A. -- so I just sat there.

4 Q. All right. And it was about 15 minutes?

5 A. Yeah.

6 Q. And they were out of -- completely out of
7 earshot?

8 A. Yeah, I couldn't -- yeah.

9 Q. Okay. And you knew the keys were in the van?

10 A. I didn't know the keys were in the van.

11 Q. You had no idea the keys were in the van?

12 A. No, I didn't because Bill McGregor was slumped
13 over the wheel.

14 Q. All right.

15 A. So I wasn't going to disturb him.

16 Q. But obviously if you knew the keys were in the
17 van, then you would have taken the van?

18 A. Right. You bet your ass I would have taken
19 the van.

20 Q. What would you have done?

21 A. I would have driven -- turned the van around
22 and driven to Fair Street --

23 Q. To the police?

24 A. Not to the police, to my house and woken my
25 father up and be like, yo, there's a dead girl in the

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1 woods, let's go call somebody.

2 Q. Okay. So if you'd known the keys were there,
3 that's what you would have done?

4 A. Yes.

5 Q. And the reason that you didn't do that, the
6 reason you didn't drive to your house and tell your dad
7 there's a dead girl in the woods is because you didn't
8 know the keys were there?

9 A. Yeah, if I knew they were there, I would have
10 been out of there. Also, I could just about see Fair
11 Street, but I figured I'm not fast enough to run to that
12 road to get help.

13 Q. Okay.

14 A. So by the time I ran to the road, they would
15 have been out and chased me in the van and ran me over
16 anyway.

17 Q. Okay. So the two things you were thinking of
18 doing in the van during those 15 minutes was driving
19 away, but you didn't know you had the keys, right?

20 A. Yes.

21 Q. And the other thing you considered was that --

22 A. Running.

23 Q. -- you would run away.

24 Okay. And you didn't do any of those things
25 because you were afraid?

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1 car, I like that car, you know, what do you think about
2 this car, what should I do to this car. It was simple,
3 like, you know --

4 Q. Sure.

5 A. -- we went -- went to the party.

6 Q. But you said that your plan had been, if you
7 could, if you knew there were keys, to drive away and go
8 tell your father what happened?

9 A. Yeah, I would have in a second. I had no cell
10 phones.

11 Q. Sure. You would have done it without thinking
12 about it?

13 A. Yeah.

14 Q. That was the thing to do, even though you had
15 been threatened, you were going to do it?

16 A. Yeah, I didn't care at that point.

17 Q. Okay. And then 30 minutes later you were
18 driven home, right?

19 A. Yes.

20 Q. And your father is home?

21 A. Sleeping, yeah.

22 Q. Why didn't you tell him then?

23 A. Because they were sleeping. They got up early
24 to go to work.

25 Q. So the reason you didn't tell your father

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1 about watching a 12-year-old get raped and murdered was
2 because you didn't want to wake him up?

3 A. And I was scared shitless, man. I ran up them
4 steps to my house, in my room and I prayed, please God,
5 let her wake up. I knew she wasn't going to wake up.

6 Q. But you just told us that your plan, if the
7 keys were there, was to drive home and tell your father?

8 A. Yeah.

9 Q. You were scared then?

10 A. He was sleeping.

11 Q. Okay. I understand.

12 A. How do you go home and tell your mom, hey, I,
13 you know, just witnessed a murder, Ma. You don't.

14 Q. Not when they're sleeping?

15 A. Even if they weren't.

16 Q. Okay. But you said the reason -- the one
17 reason you didn't tell your father was because he was
18 sleeping?

19 A. Yeah, he gets up at 5:00 in the morning and
20 drives to the Bronx to go to work.

21 Q. He's got to get up early to go to work?

22 A. Yeah.

23 Q. You're not going to tell him about a murder in
24 the middle of the night?

25 A. No, not while you're scared shitless you're

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1 not, worried about who's knocking on your frigging door,
2 gonna kill you.

3 Q. Okay.

4 A. Remember, I'm 43 right now. At the time I was
5 18 years old.

6 Q. All right.

7 A. Okay?

8 Q. You told us that when they left the car --
9 they left the car with the body --

10 A. God, man, you're so stupid.

11 Q. -- you were already terrified, correct?

12 A. Yeah.

13 Q. But if you had the keys you would have gone
14 and told your father --

15 A. If --

16 Q. -- before he went to sleep?

17 A. If I had the keys.

18 Q. And my question is: You were taken home just
19 30 minutes later, correct?

20 A. Yeah.

21 Q. There were no additional threats, correct?

22 A. Except for, don't say nothing.

23 Q. That was it. You were just as -- you were
24 not -- you were just as scared as you were?

25 A. Right.

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1 Q. And then you were home?

2 A. Yeah, I went home --

3 Q. Why did the plan change? The plan was to tell
4 your father and then the plan changed not to; why?

5 A. Because I was scared to death.

6 Q. But you were scared in the car --

7 A. Yes --

8 Q. -- when they left?

9 A. -- I didn't want to make my father up in a
10 frantic mess to go tell him that there's a dead girl in
11 the woods.

12 Q. Okay. So why didn't you tell him the next
13 day?

14 A. Because I -- I was like, forget about it. I'm
15 not going to say anything.

16 Q. Okay.

17 A. I need to get to the police was my main
18 objective. Never did because I had DiPippo and Krivak
19 up my ass all the time.

20 Q. Okay. So I got it.

21 A. I couldn't get there, couldn't.

22 Q. So your -- your plan when you went home was to
23 first tell your father, correct?

24 A. Right.

25 Q. But you didn't because he was sleeping?

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1 A. Right.

2 Q. And then you were going to tell him in the
3 morning and you decided, I'm not going to do that
4 anymore.

5 A. They left actually --

6 Q. Who left?

7 A. -- the next morning.

8 My parents.

9 Q. Okay. So the reason you didn't tell them the
10 next morning is because he left?

11 A. Yeah, they went somewhere. They went out.

12 Q. Okay. And then, you didn't tell him for the
13 next three years?

14 A. I didn't. Two-and-a-half.

15 Q. Okay. And the reason you -- the other plan
16 was to go to the police and tell them what you had seen?

17 A. Right.

18 Q. But the reason you didn't go to the police is
19 because you were never not with Anthony --

20 A. Right.

21 Q. -- or Andrew?

22 A. They were always with me, always asking where
23 I am, what am I doing.

24 Q. If you would have had a day where there was no
25 Anthony or Andrew, you would have gone to the police?

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1 A. Exactly.

2 Q. But it was every day, every minute of every
3 day --

4 A. Calling me on the phone --

5 Q. Right.

6 A. -- knocking on my door.

7 Q. If you just had a couple of hours free, you
8 could have gone to the police?

9 A. I could have.

10 Q. But you didn't because you never did?

11 A. Right.

12 Q. In other words, the reason you didn't go to
13 the police for those three years -- two-and-a-half years
14 is because every hour of every day Anthony and Andrew
15 were there?

16 A. Or at night.

17 Q. Okay.

18 A. They were asking me, where am I? What am I
19 doing? Where are you going?

20 Q. Right.

21 A. Calling my father on the phone, where is she,
22 where is she? I had to escape Carmel to go to the Bronx
23 to hang out with my Latin King friend to get away from
24 them.

25 Q. Okay.

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1 house?

2 A. I don't know.

3 Q. All right. And so the reason that you didn't
4 call the police to your house when you were home alone
5 is because you were tired and had to get up for work?

6 A. Basically. I mean, I worked 4:00 in the
7 morning until 1:00 in the afternoon.

8 Q. Okay. And that's why you didn't call the
9 police to your house?

10 A. Right.

11 Q. Otherwise, if you hadn't been so tired, you
12 would have called the police and had them come to your
13 house?

14 A. Right. I went to the police when I was
15 called.

16 Q. It was that you were tired for two-and-a-half
17 years, so that's why you didn't call the police.

18 A. You're such an asshole.

19 Q. Right?

20 A. No, wrong.

21 Q. So why didn't you call the police to your
22 house?

23 A. Because I had felt threatened -- my life was
24 threatened.

25 Q. Well, you told us about the threat that --

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1 for lunch, let's take a look at the 2016 trial.

2 A. Yeah, that was a joke, too. God knows the
3 truth. He'll be judged for that shit. I'll probably be
4 in hell with them, but at least I know the truth and God
5 knows the truth.

6 Q. Why will you be in hell with them?

7 A. Because I'm no angel. You'll probably be
8 right there with us.

9 Q. Take a look at page 450 of Exhibit 1. This is
10 your most recent testimony in 2016.

11 A. 460?

12 Q. 450. This is you on cross-examination.

13 A. What line?

14 Q. Before I get there, let me ask you something.
15 The -- the --

16 A. Another trick question.

17 Q. The dashboard lights were always on, correct?

18 A. Yep.

19 Q. All right. Take a look at page 450.

20 A. Another trick question.

21 Okay.

22 Q. Line 7, "Question: Now, you were saying that
23 there was light coming from a tape deck and from the
24 dashboard?"

25 "Answer: Yes."

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1 "Question: Was the van running or not?"

2 "Answer: No, parking lights were on would
3 make the tape deck lights on and dashboard lights stay
4 on."

5 "Question: So the van, the key was in the
6 ignition?"

7 "Answer: Yes."

8 "So that's what caused the lights to be on?"

9 "Answer: Yes."

10 Do you see that testimony?

11 A. Yes.

12 Q. In other words, you're admitting that you knew
13 the keys were in the ignition, correct?

14 A. Okay. My bad.

15 Q. Okay. Let's take a look -- just to make sure
16 we're clear, take a look at page 454.

17 A. Do you know how many colored -- different
18 colored socks you have in your drawer? I mean, can you
19 tell me right now what they are?

20 Q. Take a look at 454, line 10.

21 A. Yeah.

22 Q. "You didn't make any mention that they took
23 the keys of the van with them."

24 "Answer: They didn't take the keys with
25 them."

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1 "Question: The keys to the van were still --
2 the keys to the van were still in the van, right?"

3 "Answer: Yes, they were."

4 "Question: And you have a driver's license
5 and you knew how to drive, right?"

6 "Answer: Yes, I do."

7 "Question: And you didn't drive that van
8 away?"

9 "Answer: No, I did not."

10 "Question: Now, you knew that area, there are
11 houses nearby, right?"

12 "Answer: Yes."

13 "Question: You could drive to Fair Street,
14 three tenths of a mile away and go to a house, correct?"

15 "Yes, I could have."

16 "Question: You have a van with keys,
17 correct?"

18 "Answer: Yes, I did."

19 "Question: You are telling us you were
20 perfectly sober and in full control of your faculties,
21 right?"

22 "Answer: Yes, I was."

23 "Question: You didn't drive that van away
24 with the keys, did you?"

25 "Answer: No, I did not."

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1 A. As I said, Bill McGregor was slumped over the
2 wheel, so what was I going to do, move a 400-pound guy
3 to get keys out?

4 Q. Okay. But you understand that you just told
5 us the reason that you didn't drive the van away and
6 tell your father, as you had been planning to do, was
7 because you didn't know the keys were in the van,
8 correct?

9 A. Right. I was unsure that the keys were in
10 van.

11 Q. Okay. You -- you just saw your testimony
12 where you said that you knew the keys were in the van
13 because that's why you knew the dashboard lights were
14 on. Do you see that?

15 A. Well, they have to be on for the parking
16 lights to be on.

17 Q. So in other words, when you just told us that
18 you didn't know the keys were in the van, that was a
19 lie, correct?

20 A. I guess.

21 Q. Okay. And it was a lie to help make your
22 story sound more believable, correct?

23 A. No, my story is believable.

24 Q. So then why did you just lie when you said you
25 didn't know the keys were in the van?

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1 Q. You are under a court subpoena.

2 A. What is this about?

3 Q. I'm telling you --

4 A. Tell me what this is about (indicating).

5 Q. I'm telling you as an officer of the court --

6 A. I don't give a shit what you are.

7 Q. -- you need -- you need to answer questions.

8 A. I don't have to answer -- I came here for one
9 reason.

10 Q. So here's how it's going to go.

11 A. I came here for one reason, for DiPippo's
12 wrongful conviction.

13 Q. I'm going to --

14 A. You're a fucking liar.

15 Q. I'm going to ask you questions.

16 A. I'm not answering.

17 Q. You can continue to answer questions.

18 A. You're a fucking liar.

19 Q. Are you -- are you stopping the deposition?

20 A. You're a fucking liar.

21 Q. Are you stopping the deposition?

22 A. You're a fucking liar. I don't have to answer
23 you. I don't have to answer you. I don't have to
24 answer you. I don't have to answer you.

25 Q. Okay.

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1 A. That's how you're acting. I'm not answering
2 you.

3 Q. So are you refusing to answer questions?

4 A. Are you?

5 MR. BRUSTIN: Why don't we call the judge.

6 BY MR. BRUSTIN:

7 Q. Do you want us to call the judge?

8 A. I don't give a fuck. Call the dogs, call the
9 judge, call who you want. I'm -- you brought me here
10 for -- on my paper to -- for a wrongful conviction --
11 from DiPippo to Putnam County.

12 Q. All right. So now I'm going to ask you some
13 questions about your interaction with Castaldo regarding
14 the conviction. Okay? So let's do that.

15 A. What does that have to do with it?

16 Q. Take a look at the document.

17 A. What document? There's --

18 Q. The ones right in front of you. So I want you
19 to take a look at what -- what exhibit is this?

20 A. Don't threaten me with a judge because I know
21 a lot of judges, too.

22 Q. All right.

23 A. Right.

24 Q. It's our judge in this case.

25 MR. SAWYER: Exhibit 8.

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1 BY MR. BRUSTIN:

2 Q. Number 8, let's take a look at No. 8.

3 A. I'm looking at it, so what.

4 Q. All right. So this is your effort, in
5 No. 8 --

6 A. All you're trying to do is prove I'm a liar
7 and you're wrong.

8 Q. Okay. So let's take a look -- this is your
9 effort on -- on August 2nd -- on April 2nd to describe
10 the best you can without telling them that -- withdrawn.

11 What you're thinking in your mind on April 2nd
12 is you're going to describe what happened, but you're
13 not going to tell them that Anthony and Andrew killed
14 Ms. Wright in front of you, correct?

15 A. (Indicating.)

16 Q. Is that correct?

17 A. (Indicating.)

18 Q. You need to answer out loud.

19 A. Yeah.

20 MR. BRUSTIN: Did you get that?

21 BY MR. BRUSTIN:

22 Q. You have to answer yes or no.

23 A. Yeah.

24 Q. Okay. So take a look at page 40691.

25 MR. BRUSTIN: You know what, do you have the

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1 judge's number? Let's call the judge.

2 MR. RANDAZZO: Who is the magistrate?

3 MR. SAWYER: Judge McCarthy.

4 THE WITNESS: Which is it, 406 what?

5 THE COURT REPORTER: What judge? I'm sorry.

6 MR. RANDAZZO: McCarthy.

7 THE WITNESS: It's not on here, sorry.

8 MR. BRUSTIN: Can we get a conference call?

9 THE WITNESS: I don't have this.

10 THE COURT REPORTER: Can we go off the record?

11 MR. BRUSTIN: Yeah.

12 And why don't you step out for now. If the
13 judge wants to talk to you, we'll bring you back
14 in.

15 THE WITNESS: No, I don't feel like stepping
16 out. I'm part of this for a reason. I fucking
17 came down here. I drove down here. There's no
18 need for me to leave.

19 MR. SUMNER: I have a number. Ready?

20 MR. BRUSTIN: Okay. We know who we need to
21 call, so let's get a phone going.

22 We can go off the record.

23 THE VIDEOGRAPHER: We're off the record at
24 2:10 p.m.

25 (A discussion was held off the record.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF ORANGE

I, DAYNA JONES, FPR, Shorthand Reporter and Notary Public, State of Florida, certify that DENISE ROSE personally appeared before me and was duly sworn/affirmed.

WITNESS my hand and official seal this 13th day of December, 2018.

Dayna Jones

Dayna Jones, FPR, Notary Public
State of Florida, My Commission:
GG079725, Expires: March 15, 2021

**Personally Known _____ OR Produced Identification X
Type of Identification Produced: Florida Driver's License

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CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF ORANGE

I, DAYNA JONES, FPR, Shorthand Reporter and Notary Public, State of Florida, HEREBY CERTIFY that I was authorized to and did stenographically report the deposition of DENISE ROSE; that a review of the transcript was requested; and the foregoing transcript, pages 1 through 396, is a true and accurate record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 27th day of December, 2018.



DAYNA JONES, FPR, Notary Public
State of Florida at Large